

REMARKS

Status of the Claims

Claims 1-3, 7-10 and 13-16 are pending in this application. No claims have been canceled, added or amended. Applicants submit the following arguments and Declaration to supplement the remarks in the After Final Reply filed on December 11, 2003, but not entered until February 11, 2004 with the filing of a Request for Continued Examination.

Supplemental Arguments on the Enablement Rejection

Applicants submit that the present invention is enabled and described in the present specification. Applicants submit that examples 1, 2 and 3 in the specification are representative of the present invention. The melting point of the propylene based block copolymer (EXCELLEN KS37F3) used in examples 1, 2 and 3 is 136°C. The melting point of the ethylene-vinyl acetate copolymer (EVATATE H2081) used in example 1 is 88°C. This melting point is not disclosed in the specification but the data on the specific copolymer is available to the public. The melting point of the ethylene-butene-1 copolymer (EXCELLEN N0362) is 92°C. This melting point is also not disclosed in the specification but the data on the specific copolymer is available to the public. The melting point of the ethylene-hexene-1 copolymer (SUMIKATHENE E

FV401) is 111°C. Examples 1 and 2 were rolled at a temperature of 110°C and Example 3 was rolled at a temperature of 120°C.

From the foregoing description in the specification and the knowledge of the melting point of the ethylene-vinyl acetate copolymer and the melting point of the ethylene-butene-1 copolymer (both melting points available to the public), Applicants submit that one of ordinary skill in the art could practice the invention without undue experimentation. As such, the rejections under 35 USC 112, first paragraph should be withdrawn.

Supplemental Arguments on the Obviousness Rejection

Meilhon '677 is directed to a film composed of at least one polyolefin-layer and at least one ionic copolymer-layer. The tear strength of the Meilhon '677 film is higher in the machine direction than in the transverse direction. The tear property of the Meilhon '677 film is obtained by drawing the molten resin in a specific drawing ratio to make a film and then the film is cooled. The tear property of the film in Meilhon '677 is attributable to the ionic copolymer.

Meilhon '677 fails to disclose a film where there is stretch processing of heating the existing film and then stretching the heated film. The disclosure in Meilhon '677 only mentions that EVA (ethylene-vinyl acetate copolymer) is one of

the preferred materials. There is absolutely no mention that the EVA is attributable to the tear properties. The essence of the tear properties in Meilhon '677 is dependent on the ionic copolymer.

On the other hand, the film according to the present invention is a uniaxially stretched film. The film is obtained by uniaxially stretching the film, which comprises a propylene-based resin layer and an ethylene based resin layer. The stretching occurs at a specific temperature range from the melting point of the ethylene-based resin to the melting point of the propylene-based resin.

In the present invention, the propylene-based resin has a molecular orientation in the stretching direction and the ethylene based resin barely has molecular orientation. Therefore, the laminated article containing the differently oriented layers has a mechanical interaction based on anisotropy. Thus, a higher tear strength in the stretching direction is obtained.

The tear properties for the present invention are dependent on uniaxially stretching the laminated article that comprises the differently molecular oriented layers.

Applicants submit herewith a Declaration under 37 CFR 1.132 by Mr. Yanase in support of these arguments. Mr. Yanase explains how the present invention has an increased tear

strength in the direction of stretching even when conventional methods are used to produce the film of the present invention. Applicants respectfully request that the Examiner consider such evidence in support of the above arguments before issuing an Office Action.

In light of the foregoing arguments, Applicants submit that the present invention is distinguished from the film in Meilhon '677 and the obviousness rejection should be withdrawn.

Conclusion

Applicants respectfully request consideration of these arguments in conjunction with the arguments in the After Final Reply filed December 11, 2003. As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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